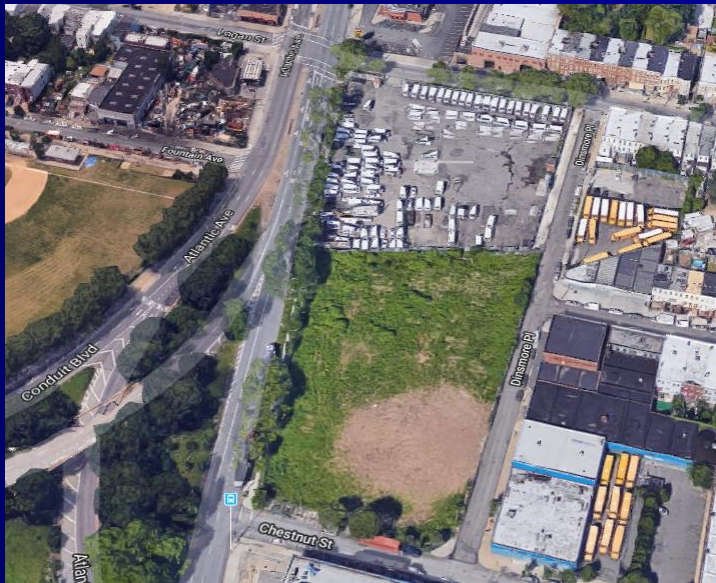


# Chestnut Commons Atlantic Avenue Site Brownfield Cleanup Program Application

3269 Atlantic Avenue  
Brooklyn, New York 11208



Legal & Consulting Team:  
Knauf Shaw LLP & Roux Associates  
May 2018



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐

Yes

☒

No

If yes, provide existing site number: \_\_\_\_\_

**PART A (note: application is separated into Parts A and B for DEC review purposes) BCP App Rev 9**

**Section I. Requestor Information - See Instructions for Further Guidance**

DEC USE ONLY  
BCP SITE #:

NAME Chestnut Commons Apartments LLC

ADDRESS 334-336 East 110th Street

CITY/TOWN New York

ZIP CODE 10029

PHONE (212) 996-6640

FAX N/A

E-MAIL mgross@lettire.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒

Yes

☐

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. Documents that are not properly certified will be not approved under the BCP.

**Section II. Project Description**

1. What stage is the project starting at?

☒

Investigation

☐

Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☒ No

4. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

### Section III. Property's Environmental History

All applications must include an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (please submit the information requested in this section in electronic format only):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903).

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs	X		
Metals	X		
Pesticides	X		
PCBs	X		
Other*			

\*Please describe: \_\_\_\_\_

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

☒ Yes ☐ No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner     |
| <input type="checkbox"/> Salvage Yard           | <input type="checkbox"/> Bulk Plant    | <input type="checkbox"/> Pipeline           | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill               | <input type="checkbox"/> Tannery       | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown         |

Other: Water work pump station, heavy equipment and automobile storage yard

**Section IV. Property Information - See Instructions for Further Guidance**

PROPOSED SITE NAME Chestnut Commons Atlantic Ave Site

ADDRESS/LOCATION 3269 Atlantic Avenue

CITY/TOWN Brooklyn, New York ZIP CODE 11208

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

COUNTY Kings County

SITE SIZE (ACRES) 0.65882

LATITUDE (degrees/minutes/seconds)

40

40

52.3N

\*

LONGITUDE (degrees/minutes/seconds)

73

52

30.9W

\*

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address

Section No.

Block No.

Lot No.

Acreage

3269 Atlantic Avenue, Brooklyn, NY 11208\*\*

Brooklyn

4142

34

0.65882

\*\*(According to NYCDOB records, Site is identified as 3245 Atlantic Avenue and 3265 Atlantic Avenue.)

1. Do the proposed site boundaries correspond to tax map metes and bounds? ☒ Yes ☐ No  
If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? ☒ Yes ☐ No  
(application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?  
(See [DEC's website](#) for more information) Yes ☐ No ☒

If yes, identify census tract : \_\_\_\_\_

Percentage of property in En-zone (check one): ☒ 0-49% ☐ 50-99% ☐ 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? ☐ Yes ☒ No

If yes, identify name of properties (and site numbers if available) in related BCP applications: \_\_\_\_\_

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? ☐ Yes ☒ No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? ☐ Yes ☒ No  
If yes, attach relevant supporting documentation.

7. Are there any lands under water? ☐ Yes ☒ No  
If yes, these lands should be clearly delineated on the site map.



#### Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

No

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

N/A

10. Property Description and Environmental Assessment – please refer to application instructions for the proper format of each narrative requested.

Are the Property Description and Environmental Assessment narratives included in the prescribed format?

☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?

If yes, requestor must answer questions on the supplement at the end of this form.

☒ Yes ☐ No

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?

☐ Yes ☒ No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?

☐ Yes ☒ No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_

**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b>		DEC USE ONLY	
<b>See Instructions for Further Guidance</b>		BCP SITE NAME: _____	
		BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE <b>Ismene Speliotis</b>			
ADDRESS <b>c/o Matthew Gross, Urban Builders Collaborative, 334-336 110th Street</b>			
CITY/TOWN <b>New York, New York</b>		ZIP CODE <b>10029</b>	
PHONE <b>(212) 996-6640 x131</b>	FAX <b>(212) 534-1421</b>	E-MAIL <b>mgross@lettire.com</b>	
NAME OF REQUESTOR'S CONSULTANT <b>Frank Cherena, Roux Associates, Inc.</b>			
ADDRESS <b>209 Shafter Street</b>			
CITY/TOWN <b>Islandia, New York</b>		ZIP CODE <b>11749</b>	
PHONE <b>631-630-2388</b>	FAX <b>631-232-9898</b>	E-MAIL <b>fcherena@rouxinc.com</b>	
NAME OF REQUESTOR'S ATTORNEY <b>Linda R. Shaw, Esq., Knauf Shaw LLP</b>			
ADDRESS <b>1400 Crossroads Building, 2 State Street</b>			
CITY/TOWN <b>Rochester, New York</b>		ZIP CODE <b>14614</b>	
PHONE <b>(585) 546-8430</b>	FAX <b>(585) 546-4324</b>	E-MAIL <b>lshaw@nyenvlaw.com</b>	
<b>Section VI. Current Property Owner/Operator Information – If not a Requestor</b>			
CURRENT OWNER'S NAME <b>City of New York, Housing Preservation &amp; Development</b> OWNERSHIP START DATE: <b>12-22-2006</b>			
ADDRESS <b>c/o Office of the Corporation Counsel, 100 Church Street</b>			
CITY/TOWN <b>New York, New York</b>		ZIP CODE <b>10007</b>	
PHONE <b>(212) 788-0718</b>	FAX <b>N/A</b>	E-MAIL <b>ecohen@law.nyc.gov</b>	
CURRENT OPERATOR'S NAME <b>Vacant</b>			
ADDRESS _____			
CITY/TOWN _____		ZIP CODE _____	
PHONE _____	FAX _____	E-MAIL _____	
<p><b>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</b></p> <p><b>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</b></p>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
<p>If answering "yes" to any of the following questions, please provide an explanation as an attachment.</p> <p>1. Are any enforcement actions pending against the requestor regarding this site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>			

## Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

### ☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

### ☒ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ☒ Potential /Future Purchaser ☐ Other \_\_\_\_\_

If requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?

☒ Yes ☐ No

Note: a purchase contract does not suffice as proof of access.

## Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_ ☐ Yes ☒ No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_ ☐ Yes ☒ No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☒ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?  
If yes, please provide: Order # \_\_\_\_\_ ☐ Yes ☒ No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  
If yes, please provide explanation as an attachment. ☐ Yes ☒ No

## Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.



## Section X. Land Use Factors

1. What is the current zoning for the site? What uses are allowed by the current zoning?

☒ Residential ☒ Commercial ☒ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)

**Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.**

3. Reasonably anticipated use Post Remediation: ☒ Residential ☐ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☒ No

4. Do current historical and/or recent development patterns support the proposed use?

☒ Yes ☐ No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

See Support Document.

☒ Yes ☐ No

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

See Support Document.

☒ Yes ☐ No

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

Co-Managing Member

Chestnut Commons Manager LLC,  
the sole member of  
Chestnut Commons Apartments LLC

I hereby affirm that I am \_\_\_\_\_ (title) of \_\_\_\_\_ (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 6-6-18

Signature: \_\_\_\_\_

*Ismene Speliotis*

Print Name: Ismene Speliotis

### SUBMITTAL INFORMATION:

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
  - Chief, Site Control Section
  - New York State Department of Environmental Conservation
  - Division of Environmental Remediation
  - 625 Broadway
  - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: \_\_\_\_\_

LEAD OFFICE: \_\_\_\_\_

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY.** Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

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Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
<p><b>From 6 NYCRR 375-3.2(l) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p>	
<b>375-3.2:</b>	
<p>(l) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p>	
<p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)**

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). Check appropriate box, below:

☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;

☒ Project is Planned as Affordable Housing, But Agreement is Not Yet Available\*  
(\*Checking this box will result in a "pending" status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);

☐ This is Not an Affordable Housing Project.

**From 6 NYCRR 375- 3.2(a) as of August 12, 2016:**

(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.



**BCP Application Summary (for DEC use only)**

**Site Name:** Chestnut Commons Atlantic Ave Site  
**City:** Brooklyn, New York

**Site Address:** 3269 Atlantic Avenue  
**County:** Kings County **Zip:** 11208

**Tax Block & Lot**

**Section (if applicable):** Brooklyn **Block:** 4142 **Lot:** 34

**Requestor Name:** Chestnut Commons Apartments LLC **Requestor Address:** 334-336 East 110th Street  
**City:** New York **Zip:** 10029 **Email:** mgross@lettire.com

**Requestor's Representative (for billing purposes)**

**Name:** Ismene Speliotis **Address:** c/o Matthew Gross, Urban Builders Collaborative, 334-336 110th Street  
**City:** New York, New York **Zip:** 10029 **Email:** mgross@lettire.com

**Requestor's Attorney**

**Name:** Linda R. Shaw, Esq., Knauf Shaw LLP **Address:** 1400 Crossroads Building, 2 State Street  
**City:** Rochester, New York **Zip:** 14614 **Email:** lshaw@nyenvlaw.com

**Requestor's Consultant**

**Name:** Frank Cherena, Roux Associates, Inc. **Address:** 209 Shafter Street  
**City:** Islandia, New York **Zip:** 11749 **Email:** fcherena@rouxinc.com

**Percentage claimed within an En-Zone:** ☒ 0% ☒ <50% ☐ 50-99% ☐ 100%

**DER Determination:** ☐ Agree ☐ Disagree

**Requestor's Requested Status:** ☒ Volunteer ☐ Participant

**DER/OGC Determination:** ☐ Agree ☐ Disagree  
**Notes:**

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:** ☒ Yes ☐ No

**Does Requestor Claim Property is Upside Down:** ☐ Yes ☒ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

**Does Requestor Claim Property is Underutilized:** ☐ Yes ☒ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

**Does Requestor Claim Affordable Housing Status:** ☐ Yes ☐ No ☒ Planned, No Contract

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

# **BCP APPLICATION SUPPORT DOCUMENT**

**BCP APPLICATION SUPPORT DOCUMENT**  
**Exhibit List**

<b>Exhibit A-</b>	DOS Info
<b>Exhibit B-</b>	Corporate Consent
<b>Exhibit C-</b>	Deed
<b>Exhibit D-</b>	Site Access Agreement
<b>Exhibit E-</b>	Previous Owners and Operators List
<b>Exhibit F-</b>	Site Drawing Spider Map
<b>Exhibit G-</b>	Survey and Tax Map
<b>Exhibit H-</b>	Site Location and Base Map
<b>Exhibit I-</b>	Zoning Map
<b>Exhibit J-</b>	Flood Map
<b>Exhibit K-</b>	Site Contact List
<b>Exhibit L-</b>	Repository Letters

**ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:**

1. 2015 Phase I ESA prepared by TRC
2. 2018 Chestnut Commons Focused Phase II ESA Letter Report by Roux

## **PART A**

### **SECTION I - REQUESTOR INFORMATION**

The Requestor is Chestnut Commons Apartments LLC located at 334-336 East 110<sup>th</sup> Street, New York, New York 10029. *See* Exhibit A, NYSDOS Entity Information. The sole member of the Requestor is Chestnut Commons Manager LLC.

This Written Consent provides Ismene Speliotis with the authority to sign all New York State Department of Environmental Conservation (“NYSDEC”) Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor Chestnut Commons Apartments LLC. *See* Exhibit B, Written Consent.

The 0.65882 acre site is located at 3269 Atlantic Avenue in Brooklyn, New York 11208, Tax Map Identification No. Brooklyn-4142-34 (“Site”). According to the NYCDOB records, the Site is identified with the alternate address of 3245 Atlantic Avenue and 3265 Atlantic Avenue, Brooklyn, New York 11208.

Requestor is not yet the owner of the Site. The City of New York holds the deed to the Property, *See* Exhibits C, Deed, and the New York City Housing Preservation & Development (“HPD”) has jurisdiction over the Property and has authority to provide access to the Requestor, although no formal deed was ever conveyed from the City of New York to its agency, HPD. However, New York City Department of Finance issues the assessment to HPD and lists HPD as the owner on the NYC Digital Tax Map. [NOTE: The metes and bounds of the Deed describes the Site and the adjacent parcel located at Tax Map Identification No. Brooklyn-4142-32, which were historically one lot. The subdivision occurred on February 10, 2017].

Requestor will be the prospective beneficial owner of the Site, and has received a temporary license from HPD to access the property to perform investigation and remediation work required by the BCP. *See* Exhibit D, Site Access Letter Agreement. The Requestor has no prior relationship with any current or past owners or operators of the Site other than the Requestor intends to purchase the Site from the City/HPD. *See* Sections V and VI below, and Exhibit E, Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor’s involvement at the Site.

### **SECTION II - PROJECT DESCRIPTION**

**[Please refer to Questions 1-3 on the BCP Application Form]**

#### **4. Short Project Description**

The planned redevelopment of the Site entails the construction of a mixed-use building known as Chestnut Commons consisting of 100% affordable housing units, as well as community and open/recreational space, and one cellar level. As stated in the HPD Site Access Letter Agreement,



HPD selected the volunteer through a competitive bidding process based on their preferred development plan in furtherance of the East York Community Plan.

### **Schedule - Commencement through COC**

The Site has only been preliminarily investigated. A Remedial Investigation must be completed. All RI work is expected to be completed on the Site by the end of 2018. Site preparation activities, including on-Site building demolition in order to prepare the Site for remediation under former slabs is also expected to commence by January 30, 2019. The Remedial Action Work Plan (“RAWP”) will be completed in the spring of 2019 and any required remediation may commence in the summer of 2019. The Certificate of Completion is anticipated to be issued on December 15, 2019.

## **SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY**

### **1. List of Environmental Reports**

The following is the list of environmental reports for the Site separately attached:

- A. 2015 Phase I Environmental Site Assessment, by TRC Engineers, Inc.
- B. 2018 Chestnut Commons Focused Phase II Environmental Site Assessment, by Roux Environmental Engineering and Geology, D.P.C. (“Roux”)

### **2. Sampling Data**

*See Exhibit F, Site Drawing Spider Map which include sampling data summaries, and Section IV.10.F.*

### **3. Site Drawing**

*See Exhibit F, Site Drawing Spider Map.*

### **4. Past Land Uses**

*See Section IV.10.D for full description of past land uses and Exhibit E for past owners and operators list.*

## SECTION IV – PROPERTY INFORMATION

**[Please refer to the BCP Application Form for the following Property Information: Proposed Site Name, Site Address, Site Size, GIS Information, and Tax Parcel Information. See also Section IV(10)(A) for the Site address and tax parcel information]**

### 1. Tax Map Boundaries

The boundaries of the Site correspond to the current tax map boundaries. See Exhibit G, Tax Map and Survey Map.

### 2. Property Map

The Site Location and Base Property Map are in Exhibit H.

**[Please refer to Questions 3-9 on the BCP Application Form]**

### 10. Property Description Narrative

#### A. Site Location

See Response to Section IV.1 and IV.2 above. The Site is located at 3269 Atlantic Avenue in Brooklyn, New York 11208, Tax Parcel ID Brooklyn-4142-34. According to the NYCDOB records, the Site is identified with the alternate address of 3245 Atlantic Avenue and 3265 Atlantic Avenue, Brooklyn, New York 11208. The Site is located in a highly developed urban area of Brooklyn consisting primarily of industrial and commercial structures.

#### B. Site Features

The Site consists of an approximately 0.65882 acre fenced-in vacant lot with heavy vegetation. The Site is not located within the 500-year flood zone based upon data from FEMA maps. See Exhibit J, Zoning Map. Based on topographic maps, no permanent surface water bodies are located within a one-mile radius of the subject property.

#### C. Current Zoning and Land Use

The New York City Department of City Planning (NYCDP) zoning map 17c indicates that the Site is in zone M1-4/R8A Zone. See Exhibit I, Zoning Map. The current land use is vacant. A majority of the adjacent parcels are vacant, and there is a baseball park on the corner of Atlantic Avenue and Fulton Ave. There are commercial buildings northerly adjacent to the Site on Dinsmore Street. Several nearby properties include car and truck storage. A subway line is one block to the east of the Site. The nearest residential areas is one block away on Euclid Avenue and Fountain Avenue.

3301 Atlantic Avenue, the westerly adjacent parcel, is currently vacant, but was previously called Chloe Foods” / “Blue Ridge Farms, Inc.” and was listed in the Compensation and Liability Information System (CERCLIS), NY Spills, Leaking Storage Tanks Incidents Reports (LTANKS), Petroleum Bulk Storage (PBS) Underground Storage Tank (UST), PBS Aboveground Storage Tank (AST), Chemical Bulk Storage (CBS), US AIRS (Air Emissions Data), and Facility Index System/Facility Registry System (FINDS).

#### D. Past Use of the Site

A Phase I was performed in 2015 for the Industrial and Environmental Hygiene Division of the New York City School Construction Authority (“NYCSCA”) by TRC Engineers, Inc. when the City was exploring the idea of using Lot 32 (formerly the current Lot 32 and Lot 34) for a proposed public school facility. The Phase I confirmed that Lot 32 was historically used as early as 1887 as a water pump house, with associated railroad tracks, and coal storage yard, and later using from 1980 to 1992 as an automobile, trailer, and heavy equipment sales facility, all of which appear to have led to Site contamination. Since the Site has been vacant since at least 2006 and was previously used as a storage yard, there is also potential for historical dumping. *See* Exhibit E, Previous Owner and Operator list.

On February 10, 2017, Lot 32 was subdivided into the current Lot 32 and Lot 34. *See* Exhibit G, Tax Map. The NYCSCA and the New York City Department of Education will put a school facility on the current Lot 32. The City transferred jurisdiction of the Site, Lot 34, to HPD to find an affordable housing/mixed use developer. The Requestor was selected by HPD for the project. Prior to entering a License Agreement with HPD in May of 2018, and in coordination with New York City OER in its Jump Start Program, Roux performed a Focused Phase II Environmental Site Assessment. In the Jump Start Program, OER assists City-supported affordable and supportive housing developments enroll in the state Brownfield Cleanup Program and earn state brownfield tax credits. The Focused Phase II performed by Roux confirmed that the past uses of the site led to the contamination located on the Site. *See* Section IV(10)(F), Environmental Assessment. Roux suspects that the pump house was a coal operated facility, which links the SVOC and metals contamination found on Site to date.

#### E. Site Geology and Hydrogeology

There were no geological surface features observed on the Site. Brooklyn is located within the Atlantic Coastal lowlands physiographic province of New York State where the subsurface geology is characterized by bedrock consisting of gneiss and schist of Precambrian age. This area is underlain by deposits of glacial outwash sediments, which are typically comprised of sand and gravel. Soil and bedrock stratigraphy throughout Brooklyn typically consists of a layer of historical fill that overlies glacial outwash sediments, decomposed unconsolidated bedrock, and bedrock. The depth to bedrock in the area is estimated to be approximately 450 feet below ground surface.

Under natural, undisturbed conditions, shallow groundwater flow generally follows the topography of the land surface. The presumed groundwater flow in the vicinity of the Site

is in a southerly direction towards Jamaica Bay, located approximately 3.1 miles south of the Site. The review of the online Long Island Depth to Water Viewer indicates that the depth to groundwater at the Site is approximately 25 to 30 feet bgs. The estimated groundwater levels and/or flow directions may vary due to seasonal fluctuations in precipitation, local use demands, geology, underground structures, and dewatering operations.

The Site is not located within a regulated wetland area. See Exhibit J.

Soil in the area of the Site property is described as Urban Land. Urban Land refers to soils that have been altered by human activities thus making them unidentifiable. Typically, these soils that have been mixed with other materials, such as a brick and concrete (urban fill), and characteristics can only be determined by on-site investigation.

#### F. Environmental Assessment

Based on the Focused Phase II investigation conducted to date, the primary contaminants of concern are PAHs, arsenic, and lead in soil. *See* Site Drawing Spider Map, and Phase II attached separately on CD.

**Soil:** Exceedances of the NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives (“RRSCOs”) were identified for SVOCs and Metals, specifically polycyclic aromatic hydrocarbons (PAHs), arsenic, and lead. SVOCs are prevalent over most of the area of the Site at depths of 1-4 ft bls, and at concentrations that are marginally above the Standards, Criteria, and Guidance (SCG). An arsenic exceedance was located near the center of the northerly boundary of the Site at a depth of 3-5 ft bls, and at a concentration that is marginally above the SCG. A lead exceedance was located near the southwesterly corner of the Site at a depth of 3-5 ft bls, and at a concentration that is marginally above the SCG.

- The RRSCO for benzo[b]fluoranthene is 1 mg/kg. The following samples exceeded the RRSCO: RX-4(3.1 mg/kg), RX-5(1.2 mg/kg), RX-6(1.9 mg/kg), RX-9(1.9 mg/kg), RX-11(1.3 mg/kg), and RX-14(1.1 mg/kg).
- The RRSCO for benzo[a]anthracene is 1 mg/kg. The following samples exceeded the RRSCO: RX-4(2.1 mg/kg), RX-6(1.3 mg/kg), and RX-9(1.7 mg/kg).
- The RRSCO for benzo[a]pyrene is 1 mg/kg. The following samples exceeded the RRSCO: RX-4(1.9 mg/kg), RX-6(1.4 mg/kg), and RX-9(1.5 mg/kg).
- The RRSCO for indeno[1,2,3-cd]pyrene is 0.5. The following samples exceeded the RRSCO: RX-4(.96 mg/kg), RX-6(.62 mg/kg), and RX-9(.78 mg/kg).
- The arsenic sample from RX-2(17.3 mg/kg) exceeded the RRSCO of 16 mg/kg.
- The lead sample from RX-11(452 mg/kg) exceeded the RRSCO of 400 mg/kg.

**[Please refer to Questions 11-13 on the BCP Application Form]**



## **PART B**

### **SECTION V- ADDITIONAL REQUESTOR INFORMATION**

*See* Section I, Requestor Information and responses in the Application form. As stated in Section I, the Requestor has no prior relationship with any current or past owners or operators of the Site other than the Requestor intends to purchase the Site from the City/HPD. *See also* Exhibit E, Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor's involvement at the Site.

### **SECTION VI- CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

The City of New York has owned the Site since December 22, 2006, when it obtained title from the New York City School Construction Authority. *See* Exhibits C, Deed. However, the New York City Housing Preservation & Development ("HPD") has jurisdiction over the Site. A formal deed was never conveyed from the City of New York to HPD. However, New York City Department of Finance issues the assessment to HPD and lists HPD as the owner on the NYC Digital Tax Map.

A Previous Owners and Operators List is attached as Exhibit E. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor's relationship to each owner and operator (all of which are "None"). Note: the year HPD took jurisdiction of the Site was not ascertainable by the HPD or through a review of public records. Exhibit E also includes the prior operators' use of the Site. The Site has been vacant since at least 2006, but was historically used starting as early as 1887 as a water pump station, with associated railroad tracks, and coal storage yard, and was later used for automobile, trailer, and heavy equipment sales from 1980 to 1992. *See* Exhibit E, Previous Owners and Operators List.

### **SECTION VII- REQUESTOR ELIGIBILITY INFORMATION**

**[Please Refer to Questions 1-11 on the BCP Application Form]**

### **REQUESTOR CERTIFICATION**

The Requestor certifies it is a Volunteer, since it does not own the Site; and does not have nor has ever had a relationship with any of the past owners or operators of the Site, nor did it have involvement with the Site at the time of disposal, other than it intends to acquire the in the future from the current owner. The Requestor has performed all required environmental due diligence prior to acquiring the Site.

## **SECTION VIII- PROPERTY ELIGIBILITY INFORMATION**

**[Please refer to Questions 1-4, and 6 on the BCP Application Form]**

In addition to the responses on the application form, which clarify the Site is an eligible brownfield site pursuant to ECL § 27-1405, the following information further demonstrates this Site's eligibility for the BCP.

The Site meets the definition of an eligible "brownfield site" in Environmental Conservation Law § 27-1405(2) as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations" because environmental investigation results show evidence of impact from the Site's previous industrial uses, including but not limited to many years as a water pump station and coal yard use and truck sales, which can be linked to and caused Site contamination above the applicable restricted residential soil cleanup standards. See Environmental Reports and the Spider Maps in Exhibit F, providing the data demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law §27-1405(2).

## **SECTION IX - CONTACT LIST INFORMATION**

*See Exhibit K for the Site Contact List and Exhibit L, for Repository Letters from the Arlington Branch of the Brooklyn Public Library and Brooklyn Community Board 5.*

## **SECTION X- LAND USE FACTORS**

### **1. Current Zoning**

The Site is within M1-4/R8A Zone. *See Exhibit I, Zoning Map.*

**2. Current Use**

This Site is currently vacant, and has been vacant since at least 2006.

**3. Intended Use Post Remediation**

Post remediation use of the Site will be a mixed-use building known as Chestnut Commons consisting of 274 100% affordable housing units, as well as community and open/recreational space, and one cellar level.

**4. Do current historical and/or recent development patterns support the proposed use?**

Yes. There is a need for more affordable housing, and community and open/recreational space in this community.

**5. Is the proposed use consistent with applicable zoning laws/maps?**

The project is consistent with the as-of-right zoning other than two provisions within the Zoning Resolution. The Requestor has submitted applications for a Mayoral Override of two provisions in coordination with HPD and other agencies supportive of the project in New York City. The zoning items for which an override is being requested are as follows:

1. Waiver of ZR 23-711 for required minimum distance between buildings on the same zoning lot: Due to the height and the non-abutting condition of the buildings on the adjacent tax lot, a distance of 40' is required between the adjacent buildings and the Chestnut Commons building. The override requests the acceptance of a provided distance of 9'-6" and 9'-10", respectively, between the adjacent buildings.
2. Waiver of ZR 132-20 for the maximum 2' distance between the ground floor finished floor elevation and the sidewalk level along a designated commercial street: The provisions of ZR 132-20 apply along the entire street frontage along Atlantic Avenue (which is in the EC-5 district). The entry level of the community center at the east side of the site on Chestnut Street is located at elevation 37.6' which results in an elevation difference at the highest part of the Atlantic Avenue frontage at the western extent of the site of 2.5'; exceeding the 2' permitted by ZR 132-20. Compliance with the EC-5 requirements would result in a minimum 6" elevation change within the community center floor plate that will compromise its functionality and efficiency. All other ground floor occupancies will comply with the EC-5 requirements.

**5. Consistent with the Master Plan?**

Yes, the project is consistent with the First Amended Dinsmore-Chestnut Urban Renewal Plan, which permits residential, commercial, and manufacturing end uses. Additionally, the Site is located in a Brownfield Opportunity Area, and remediation of the Brownfield is consistent with the vision of the BOA.

# **EXHIBIT A**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through May 23, 2018.

---

Selected Entity Name: CHESTNUT COMMONS APARTMENTS LLC  
Selected Entity Status Information  
**Current Entity Name:** CHESTNUT COMMONS APARTMENTS LLC  
**DOS ID #:** 5306441  
**Initial DOS Filing Date:** MARCH 19, 2018  
**County:** KINGS  
**Jurisdiction:** NEW YORK  
**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY  
**Current Entity Status:** ACTIVE

Selected Entity Address Information  
**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**  
C/O MHANY MANAGEMENT INC.  
1 METRO TECH CENTER NORTH  
11TH FLOOR  
BROOKLYN, NEW YORK, 11201  
**Registered Agent**  
NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

#### \*Stock Information

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

#### Name History

Filing Date	Name Type	Entity Name
MAR 19, 2018	Actual	CHESTNUT COMMONS APARTMENTS LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS Homepage](#) | [Contact Us](#)

# **EXHIBIT B**

### WRITTEN CONSENT

The undersigned, being the members of Chestnut Commons MM LLC ("MM"), the sole member of Chestnut Commons Manager LLC, the sole member of Chestnut Commons Apartments LLC ("Volunteer") does hereby certify as of May 4, 2018 as follows:

1. Volunteer is the prospective Volunteer for the Chestnut Commons Brownfield Cleanup Program Site located at 3269 Atlantic Avenue, Brooklyn, New York 11208 (the "Site").
2. The following person, Ismene Speliotis, has been authorized to execute any and all documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Chestnut Commons Apartments LLC in the Brownfield Cleanup Program.
3. This Consent may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned has executed this Consent on the date and year first written above.

CYPRESS HILLS CHESTNUT COMMONS LLC

By: Cypress Hills Local Development Corporation,  
its sole member

By: 

Name: Michelle Neugebauer

Title: Executive Director

MHANY CHESTNUT COMMONS LLC

By: MHANY Management, Inc., its sole member

By: \_\_\_\_\_

Name: Ismene Speliotis

Title: Executive Director

UBC CHESTNUT COMMONS LLC

By: \_\_\_\_\_

Name: Nicholas Lettire

Title: Manager



IN WITNESS WHEREOF, the undersigned has executed this Consent on the date and year first written above.

CYPRESS HILLS CHESTNUT COMMONS LLC

By: Cypress Hills Local Development Corporation,  
its sole member

By: \_\_\_\_\_

Name: Michelle Neugebauer

Title: Executive Director

MHANY CHESTNUT COMMONS LLC

By: MHANY Management, Inc., its sole member

By: \_\_\_\_\_

Name: Ismene Speliotis

Title: Executive Director

UBC CHESTNUT COMMONS LLC

By: \_\_\_\_\_

Name: Nicholas Lettire

Title: Manager

IN WITNESS WHEREOF, the undersigned has executed this Consent on the date and year first written above.

CYPRESS HILLS CHESTNUT COMMONS LLC  
By: Cypress Hills Local Development Corporation,  
its sole member

By: \_\_\_\_\_  
Name: Michelle Neugebauer  
Title: Executive Director

MHANY CHESTNUT COMMONS LLC  
By: MHANY Management, Inc., its sole member

By: \_\_\_\_\_  
Name: Ismene Speliotis  
Title: Executive Director

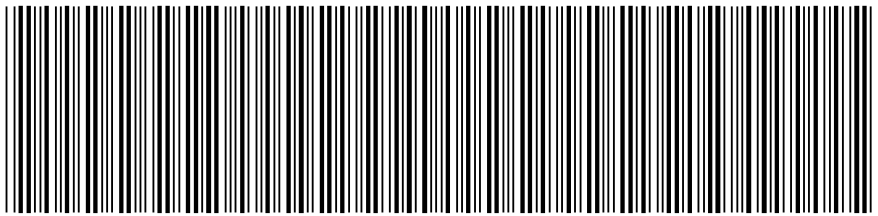
UBC CHESTNUT COMMONS LLC

By:  \_\_\_\_\_  
Name: Nicholas Lettore  
Title: Manager

# **EXHIBIT C**

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



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**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 3**

**Document ID: 2007031401852001**

Document Date: 12-22-2006

Preparation Date: 03-15-2007

Document Type: DEED

Document Page Count: 2

**PRESENTER:**

OFFICE OF THE CORPORATION COUNSEL  
100 CHURCH STREET  
EMILY COHEN  
NEW YORK, NY 10007  
212-788-0718  
ecohen@law.nyc.gov

**RETURN TO:**

OFFICE OF THE CORPORATION COUNSEL  
100 CHURCH STREET, RM 5-198  
EMILY COHEN  
NEW YORK, NY 10007  
212-788-0718  
ecohen@law.nyc.gov

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BROOKLYN	4142	32	Entire Lot	3269 ATLANTIC AVENUE
<b>Property Type: NON-RESIDENTIAL VACANT LAND</b>				

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or Document ID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

NEW YORK CITY SCHOOL CONSTRUCTION  
AUTHORITY  
30-30 THOMPSON AVENUE, ROSS J. HOLDEN,, VICE  
PRESIDENT  
LONG ISLAND, NY 11101

**GRANTEE/BUYER:**

CITY OF NEW YORK  
CITY HALL, DCAS  
NEW YORK, NY 10007

**FEES AND TAXES**

**Mortgage**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ EXEMPT

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 165.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE  
CITY OF NEW YORK**

Recorded/Filed 03-15-2007 13:40

City Register File No.(CRFN):

**2007000139746**



*Annette McHill*

*City Register Official Signature*

## INDENTURE

**THIS INDENTURE**, made the 2<sup>nd</sup> day of December, 2006, between the New York City School Construction Authority, a public benefit corporation with an office at 30-30 Thomson Avenue, Long Island City, New York 11101, hereinafter referred to as the "SCA", party of the first part, and the CITY OF NEW YORK, hereinafter referred to as the "City", a municipal corporation with an office at 1 Centre Street, 20<sup>th</sup> Floor, Borough of Manhattan, City and State of New York, party of the second part.

## WITNESSETH:

**WHEREAS**, the SCA acquired title to certain real property known as Kings County Tax Block 4142, Lot 32 (the "Property"), by eminent domain on May 4, 1992. Supreme Court, Kings County, Index No. 12481/92; and

**WHEREAS**, in accordance with Section 1730 of the Public Authorities Law ("PAL") the SCA may convey or transfer property to the City; and

**WHEREAS**, PAL Section 1730 exempts the SCA from the uniform land use review procedures of Section 197-c of the New York City Charter the conveyance or transfer of real property from the SCA to the City.

**NOW, THEREFORE, WITNESSETH**, that the SCA, in consideration of one (\$1.00) dollar and other valuable consideration provided to it by the City, does hereby convey, grant and release to the City all that plot, piece or parcel of land comprised of Tax Block 4142, Lot 32, and situated, lying and being in the Borough of Brooklyn, City and State of New York, bounded and described as follows:

**BEGINNING** at the corner formed by the intersection of the southerly line of Dinsmore Place and the westerly line of Chestnut Street;

**RUNNING THENCE** southerly along the said westerly line of Chestnut Street, 189 feet 7 ½ inches to the northerly line of Atlantic Avenue;

**THENCE RUNNING** westerly along the said northerly line of Atlantic Avenue, 337 feet 10 7/8 inches to a point;

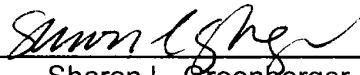
**THENCE RUNNING** northwesterly along a line forming an interior angle of 97 degrees 36 minutes 44 seconds with the said northerly line of Atlantic Avenue, 258 feet 10 ¼ inches to the said southerly line of Dinsmore Place;

**THENCE RUNNING** easterly along the said southerly line of Dinsmore Place, 410 feet 4 ½ inches to the point of **BEGINNING**.

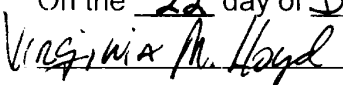
Being the same premises acquired by the SCA through an order of condemnation of the Supreme Court, Kings County on May 4, 1992; Kings County Index No. 12481/92.

**IN WITNESS WHEREOF**, the SCA has caused these presents to be signed by the President and CEO of the SCA pursuant to her executive and administrative powers.

**NEW YORK CITY SCHOOL  
CONSTRUCTION AUTHORITY**

By   
Sharon L. Greenberger  
President & CEO

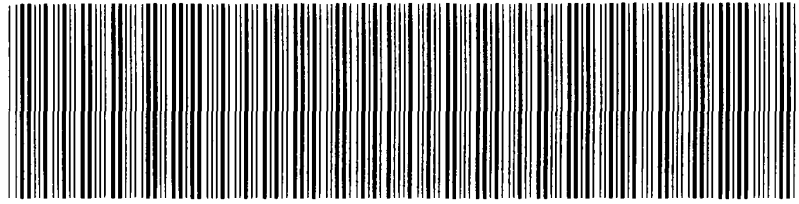
State of New York    )  
                                  ) ss:  
County of Queens    )

On the 22 day of December in the year 2006, before me,  
 the undersigned, personally appeared **Sharon L. Greenberger, President & CEO** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

  
Signature and Office of individual  
taking acknowledgment

**VIRGINIA M. LLOYD**  
Notary Public, State of New York  
No. 03-4976216  
Qualified in Bronx County  
Certificate Filed in Queens County  
Commission Expires Jan. 14, 2007

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**



**2007031401852001001S0703**

**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 2007031401852001**

**Document Date: 12-22-2006**

**Preparation Date: 03-15-2007**

**Document Type: DEED**

**ASSOCIATED TAX FORM ID: 2007031400593**

**SUPPORTING DOCUMENTS SUBMITTED:**

**RP - 5217 REAL PROPERTY TRANSFER REPORT**

**Page Count**

**1**

FOR CITY USE ONLY

C1. County Code          C2. Date Deed Recorded          /          /           
 Month Day Year

C3. Book          OR          C4. Page         

C5. CRFN         



## REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK  
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

(Rev 11/2002)

## PROPERTY INFORMATION

1. Property Location 3269 ATLANTIC AVENUE BROOKLYN 11208  
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name CITY OF NEW YORK  
 LAST NAME / COMPANY FIRST NAME  
 LAST NAME / COMPANY FIRST NAME

3. Tax indicate where future Tax Bills are to be sent  
 Billing Address other than buyer address (at bottom of form)                             
 LAST NAME / COMPANY FIRST NAME  
 STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR ☐ Part of a Parcel

5. Deed Property Size          X          OR          ACRES

6. Ownership Type is Condominium ☐  
 7. New Construction on Vacant Land ☐

8. Seller Name NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY  
 LAST NAME / COMPANY FIRST NAME  
 LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:  
 A ☐ One Family Residential C ☐ Residential Vacant Land E ☐ Commercial G ☐ Entertainment / Amusement I ☐ Industrial  
 B ☐ 2 or 3 Family Residential D ☒ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

## SALE INFORMATION

10. Sale Contract Date 12 / 22 / 2006  
 Month Day Year

11. Date of Sale / Transfer 12 / 22 / 2006  
 Month Day Year

12. Full Sale Price \$ 0  
 ( Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations ) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale         

## 14. Check one or more of these conditions as applicable to transfer:

A ☐ Sale Between Relatives or Former Relatives  
 B ☐ Sale Between Related Companies or Partners in Business  
 C ☐ One of the Buyers is also a Seller  
 D ☒ Buyer or Seller is Government Agency or Lending Institution  
 E ☐ Deed Type not Warranty or Bargain and Sale ( Specify Below )  
 F ☐ Sale of Fractional or Less than Fee Interest ( Specify Below )  
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates  
 H ☐ Sale of Business is Included in Sale Price  
 I ☐ Other Unusual Factors Affecting Sale Price ( Specify Below )  
 J ☐ None

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class V 1 16. Total Assessed Value ( of all parcels in transfer )         

17. Borough, Block and Lot / Roll Identifier(s) ( If more than three, attach sheet with additional identifier(s) )  
BROOKLYN 4142 32

## CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER

Emily Cohen 1/8/07  
 BUYER SIGNATURE DATE  
100 Church Street  
 STREET NUMBER STREET NAME ( AFTER SALE )  
NEW YORK NY 10007  
 CITY OR TOWN STATE ZIP CODE

BUYER'S ATTORNEY

Cohen Emily  
 LAST NAME FIRST NAME  
212 788-0718  
 AREA CODE TELEPHONE NUMBER  
         1/5/07  
 SELLER SIGNATURE DATE

2006122700608201



**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

<b>BUYER</b>		<b>BUYER'S ATTORNEY</b>	
BUYER SIGNATURE <i>Emily Cohen</i>	DATE <i>1/8/07</i>	LAST NAME <i>Cohen</i>	FIRST NAME <i>Emily</i>
STREET NUMBER <i>100</i>	STREET NAME (AFTER SALE) <i>Church Street</i>	AREA CODE <i>212</i>	TELEPHONE NUMBER <i>788-0718</i>
CITY OR TOWN <i>NEW YORK</i>	STATE <i>NY</i>	ZIP CODE <i>10007</i>	SELLER <i>[Signature]</i>
		SELLER SIGNATURE <i>[Signature]</i>	DATE <i>1/5/07</i>

FOR CITY USE ONLY

C1. County Code  C2. Date Deed Recorded  /  /   
 Month Day Year

C3. Book  OR  C4. Page    
 C5. CRFN



## REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK  
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

(Rev 11/2002)

## PROPERTY INFORMATION

1. Property Location  3269 ATLANTIC AVENUE  BROOKLYN  11208  
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name  CITY OF NEW YORK  
 LAST NAME / COMPANY FIRST NAME  
 LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address      
 LAST NAME / COMPANY FIRST NAME  
 STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed  1 # of Parcels OR ☐ Part of a Parcel

5. Deed Property Size  FRONT FEET X  DEPTH OR  ACRES

6. Ownership Type is Condominium ☐

7. New Construction on Vacant Land ☐

8. Seller Name  NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY  
 LAST NAME / COMPANY FIRST NAME  
 LAST NAME / COMPANY FIRST NAME

4A. Planning Board Approval - N/A for NYC

4B. Agricultural District Notice - N/A for NYC

Check the boxes below as they apply:

9. Check the box below which most accurately describes the use of the property at the time of sale:

- A ☐ One Family Residential C ☐ Residential Vacant Land E ☐ Commercial G ☐ Entertainment / Amusement I ☐ Industrial  
 B ☐ 2 or 3 Family Residential D ☒ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

## SALE INFORMATION

10. Sale Contract Date  12 / 22 / 2006  
 Month Day Year

11. Date of Sale / Transfer  12 / 22 / 2006  
 Month Day Year

12. Full Sale Price \$  0  
 ( Full Sale Price is the total amount paid for the property including personal property.  
 This payment may be in the form of cash, other property or goods, or the assumption of  
 mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

- A ☐ Sale Between Relatives or Former Relatives  
 B ☐ Sale Between Related Companies or Partners in Business  
 C ☐ One of the Buyers is also a Seller  
 D ☒ Buyer or Seller is Government Agency or Lending Institution  
 E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below )  
 F ☐ Sale of Fractional or Less than Fee Interest ( Specify Below )  
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates  
 H ☐ Sale of Business is Included in Sale Price  
 I ☐ Other Unusual Factors Affecting Sale Price ( Specify Below )  
 J ☐ None

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class  V 1 16. Total Assessed Value (of all parcels in transfer)

17. Borough, Block and Lot / Roll Identifier(s) ( If more than three, attach sheet with additional identifier(s) )  
 BROOKLYN 4142 32

## CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER

BUYER SIGNATURE  DATE

STREET NUMBER  STREET NAME (AFTER SALE)

CITY OR TOWN  STATE  ZIP CODE

BUYER'S ATTORNEY

LAST NAME  FIRST NAME

212 788-0718  
 AREA CODE TELEPHONE NUMBER

SELLER

SELLER SIGNATURE  DATE

2007031400593201

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

**BUYER****BUYER'S ATTORNEY**

BUYER SIGNATURE		DATE		LAST NAME		FIRST NAME	
STREET NUMBER		STREET NAME (AFTER SALE)		AREA CODE		TELEPHONE NUMBER	
CITY OR TOWN		STATE		ZIP CODE		SELLER SIGNATURE	
						DATE	

2007031400593201

# **EXHIBIT D**

May 14, 2018

Kelly A. Lewandowski, P.E.  
Site Control Section  
New York State Department of Environmental  
Conservation  
650 Broadway - 11<sup>th</sup> Floor  
Albany, New York 12233

Re: Proof of Site Access  
Block 4142, Lot 34  
Borough of Brooklyn

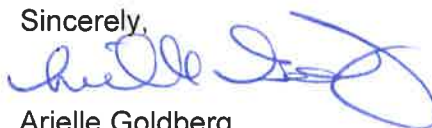
Dear Ms. Lewandowski,

I am writing in regards to Chestnut Commons Apartments LLC's application to the Brownfield Cleanup Program ("BCP"). Chestnut Commons Apartments LLC and its contractors will have access to the above referenced lot also known as the Chestnut Commons Apartments project (the "Development Site") as described in this letter.

The Development Site is currently owned by the City of New York (the "City"). The City, acting by and through its Department of Housing Preservation and Development ("HPD") selected Chestnut Commons Apartments LLC, as part of a competitive Requests for Proposal process to develop the Site, and is working with the team toward a closing of project financing and the commencement of remediation and construction. In accordance with a license agreement between Chestnut Commons Apartments LLC, acting by and through its general contractor, Lettire Construction Corp., and the City, HPD will provide Lettire Construction Corp. access to the Development Site to complete investigation activities required by the New York State Department of Environmental Conservation under the BCP prior to the City's conveyance of the site and the commencement of remediation and construction.

Please accept this letter to serve as **proof of site access**. If you have any further questions, please feel free to contact the HPD Project Manager, Cheryl Crump at 212 863-6292.

Sincerely,



Arielle Goldberg  
HPD Director of Land Use and Policy



# **EXHIBIT E**

**PREVIOUS OWNERS & OPERATORS LIST**  
**Chestnut Commons Atlantic Avenue Site**  
**3269 Atlantic Avenue, Brooklyn, New York 11208 (Brooklyn-4142-34)**

<b>CURRENT AND PREVIOUS OWNERS LIST</b>		
<b>Year</b>	<b>Owner</b>	<b>Relation to Requestor</b>
? –Present**	Housing Preservation and Development <b><u>Address:</u></b> 100 Gold St., Room 9Z, New York, NY 10038; <b><u>Phone:</u></b> (212) 863-5327	None
2007 - ?**	City of New York <b><u>Address:</u></b> 100 Gold St., New York, NY 10038; <b><u>Phone:</u></b> (212) 863-5327	None
1992 - 2007	New York City School Construction Authority <b><u>Address:</u></b> 3030 Thomas Ave, Queens, NY 11101; <b><u>Phone:</u></b> (718) 472-8000	None
1980 - 1992	Dominick Vitecci (Truck/ Heavy Equipment Sales) <b><u>Address:</u></b> 163-59 84 <sup>th</sup> Street, Brooklyn, NY 11414; <b><u>Phone:</u></b> (718) 235-0688	None
1887 – 1980	Likely owner of Water pump house operations, including railroad tracks, and coal storage yard was the City of New York although no records exist to confirm ownership. <b><u>Address:</u></b> N/A; <b><u>Phone:</u></b> N/A	None

\*\* The City of New York holds the deed to the Property, See Exhibits C, Deed, and the New York City Housing Preservation & Development (“HPD”) has jurisdiction over the Property and has authority to provide access to the Requestor, although no formal deed was ever conveyed from the City of New York to its agency, HPD. However, New York City Department of Finance issues the assessment to HPD and lists HPD as the owner on the NYC Digital Tax Map.

**PREVIOUS OWNERS & OPERATORS LIST**  
**Chestnut Commons Atlantic Avenue Site**  
**3269 Atlantic Avenue, Brooklyn, New York 11208 (Brooklyn-4142-34)**

	<b>CURRENT AND PREVIOUS OPERATOR LIST</b>		
<b>Year</b>	<b>Operator</b>	<b>Use</b>	<b>Relation to Requestor</b>
2006 - Present	City of New York <b><u>Address:</u></b> 100 Gold Street, New York, New York 10038; <b><u>Phone:</u></b> (917) 286-4300	The Site is vacant with overgrown, vegetated land.	None
1992 - 2006	New York City School Construction Authority <b><u>Address:</u></b> 3030 Thomson Ave, Queens, New York 11101; <b><u>Phone:</u></b> (718) 472-8000	By 1994, one small rectangular structure was shown at the eastern Site perimeter.	None
1980 - 1992	Dominick Vitecci (Truck Sales) <b><u>Address:</u></b> 163-59 84 <sup>th</sup> Street, Brooklyn, NY 11414; <b><u>Phone:</u></b> (718) 235-0688	The Site was used for automobile and/or trailer and/or heavy equipment storage.	None
1967 -1980	Vacant <b><u>Address:</u></b> N/A ; <b><u>Phone:</u></b> N/A	Vacant; by 1977 the Site was used as a playground	None
1956 – 1967	Ridgewood Pumping Station <b><u>Address:</u></b> 250 Livingston Street, 8 <sup>th</sup> Floor, Brooklyn, New York 11201; <b><u>Phone:</u></b> (718) 595-7000	Pump houses were used until 1965. Site uses associated with pump houses, coal storage, paint shops, foundries garages with gasoline tanks, auto repair shops, an upholstery shop, a filing station, and manufacturing are considered RECs.	None

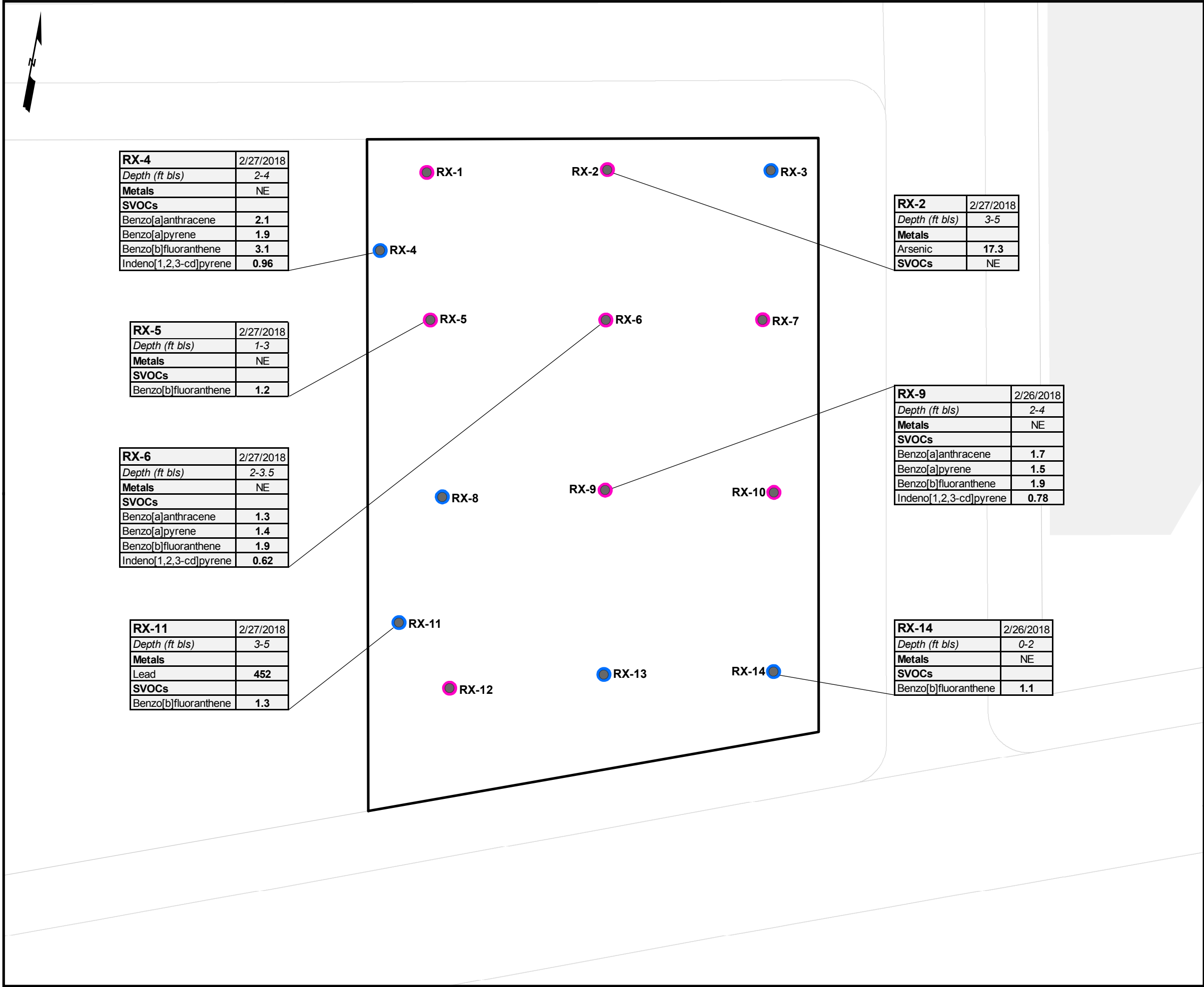


**PREVIOUS OWNERS & OPERATORS LIST**  
**Chestnut Commons Atlantic Avenue Site**  
**3269 Atlantic Avenue, Brooklyn, New York 11208 (Brooklyn-4142-34)**

1947 - 1956	No. 12 Chy Aqueduct Pump Station <u><b>Address:</b></u> 250 Livingston Street, 8 <sup>th</sup> Floor, Brooklyn, New York 11201; <u><b>Phone:</b></u> (718) 595-7000	Site uses associated with pump houses, coal storage, paint shops, foundries garages with gasoline tanks, auto repair shops, an upholstery shop, a filing station, and manufacturing are considered RECs.	None
1887-1947	Brooklyn Water Works – Ridgewood Engine House <u><b>Address:</b></u> 250 Livingston Street, 8 <sup>th</sup> Floor, Brooklyn, New York 11201; <u><b>Phone:</b></u> (718) 595-7000	Site uses associated with pump houses, coal storage, paint shops, foundries garages with gasoline tanks, auto repair shops, an upholstery shop, a filing station, manufacturing, and oil storage.	None

# **EXHIBIT F**

V:\GIS\Projects\3002\0004\100\3002.0004\100.2.mxd



LEGEND

ROUX PHASE II ESA SOIL BORING ANALYZED FOR SHORT LIST OF ANALYTES

ROUX PHASE II ESA SOIL BORING ANALYZED FOR FULL LIST OF ANALYTES

SITE BOUNDARY

KEY

SAMPLE ID →

<b>RX-2</b>	2/27/2018
Depth (ft bls)	3-5
Metals	
Arsenic	17.3
SVOCs	NE

← DATE

← DEPTH

← CONCENTRATION

Parameter	Standards* (mg/kg)
<b>Metals</b>	
Arsenic	<b>16</b>
Lead	<b>400</b>
<b>SVOCs</b>	
Benzo[a]anthracene	<b>1</b>
Benzo[a]pyrene	<b>1</b>
Benzo[b]fluoranthene	<b>1</b>
Indeno[1,2,3-cd]pyrene	<b>0.5</b>

NOTES

\* - NYSDEC PART 375 RESTRICTED RESIDENTIAL SOIL CLEANUP OBJECTIVES

MG/KG - MILLIGRAMS PER KILOGRAM

NYSDEC - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SVOCs - SEMI-VOLATILE ORGANIC COMPOUNDS

FT BLS - FEET BELOW LAND SURFACE

NE - NON EXCEEDANCE

1. BOLD INDICATES AN EXCEEDANCE OF NYSDEC PART 375 RESTRICTED RESIDENTIAL SOIL CLEANUP OBJECTIVES

1501530

Feet

Title:

PHASE II ESA SOIL SAMPLE EXCEEDANCES

CHESTNUT COMMONS

BROOKLYN, NY

Prepared For:

MHANY MANAGEMENT, INC

URBAN BUILDERS COLLABORATIVE

ROUX

Compiled by: L.D.	Date: 16MAR18
Prepared by: M.S.R.	Scale: AS SHOWN
Project Mgr: J.T.	Project: 3002.0004Y000
File: 3002.0004Y100.2.mxd	

FIGURE

2

# **EXHIBIT G**

[illegible]

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

CERTIFICATIONS VALIDATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM A SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

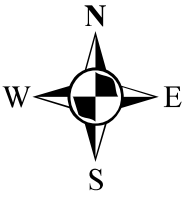
© ALL RIGHTS RESERVED 2018

SCALE: 1" = 16'



NYC Digital Tax Map

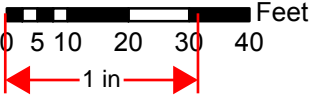
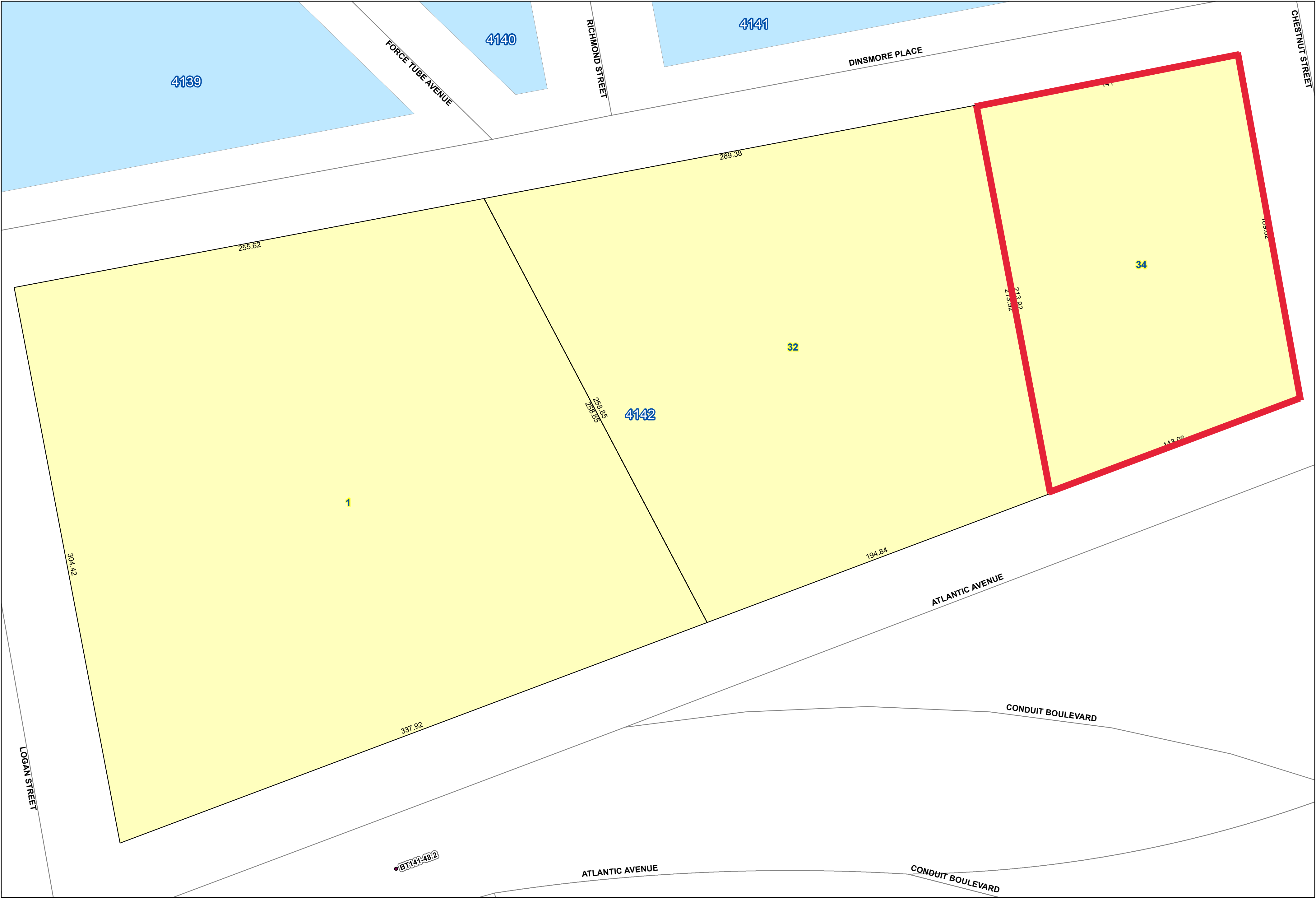
Effective Date : 02-09-2017 15:14:45  
End Date : Current  
Brooklyn Block: 4142



Chestnut Commons Atlantic  
Avenue Site  
3269 Atlantic Avenue  
Brooklyn, New York 11208

- Legend
- Streets
  - Miscellaneous Text
  - Possession Hooks
  - Boundary Lines
  - Lot Face Possession Hooks
  - Regular
  - Underwater
  - Tax Lot Polygon
  - Condo Number
  - Tax Block Polygon

Site Property Boundary



# **EXHIBIT H**

# BASE MAP

Chestnut Commons Atlantic Avenue  
Site

3269 Atlantic Avenue

Brooklyn, New York 11208

Tax Identification No. Brooklyn-4142-34

## Legend:

 Site Property Boundary

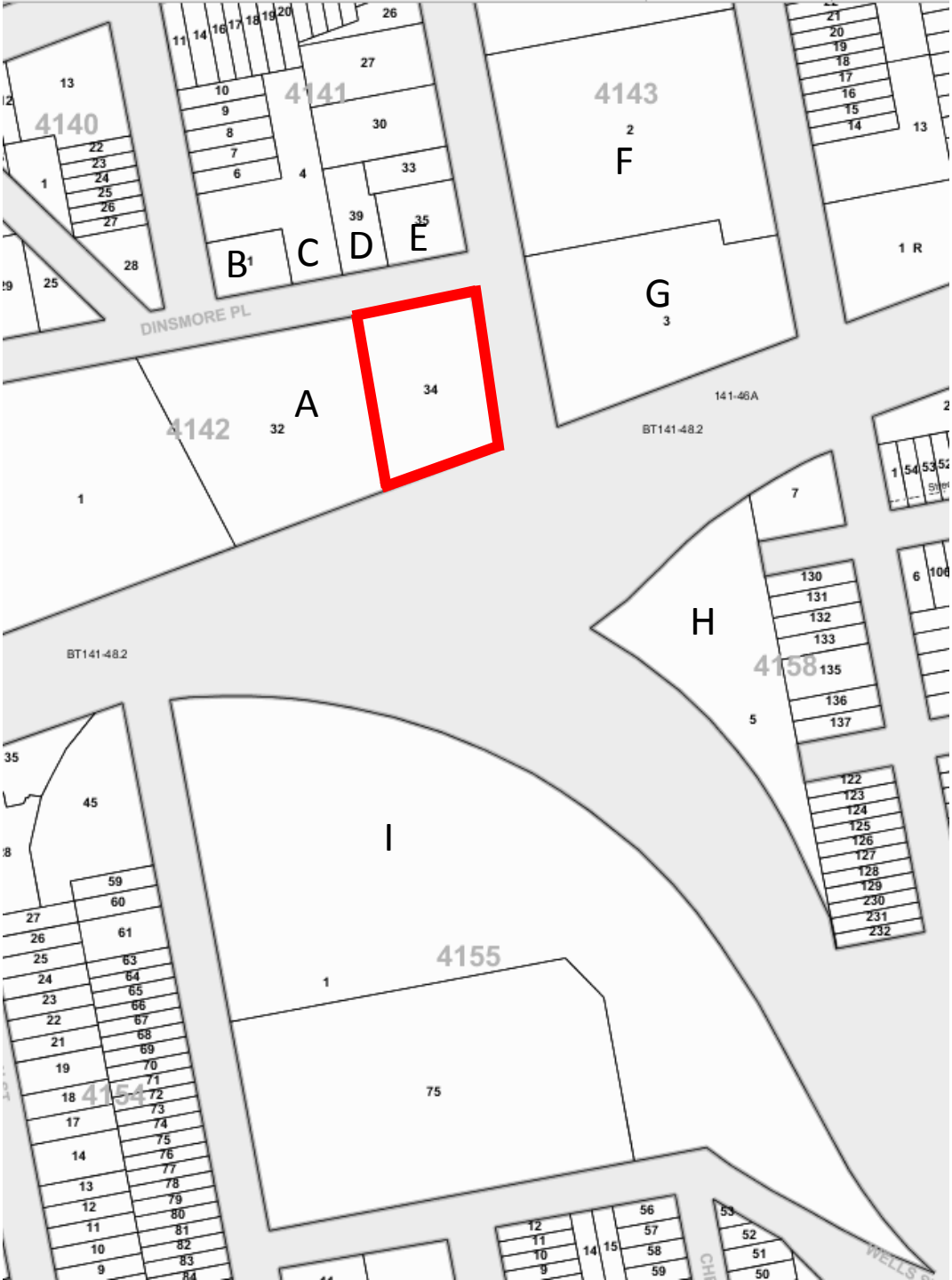
Corresponding page  
lists adjacent property owners by map  
identification letter A – I

March 9, 2018

Source: [gis.nyc.gov](https://gis.nyc.gov)

Property Information

Scale: 1" = 100' approximately

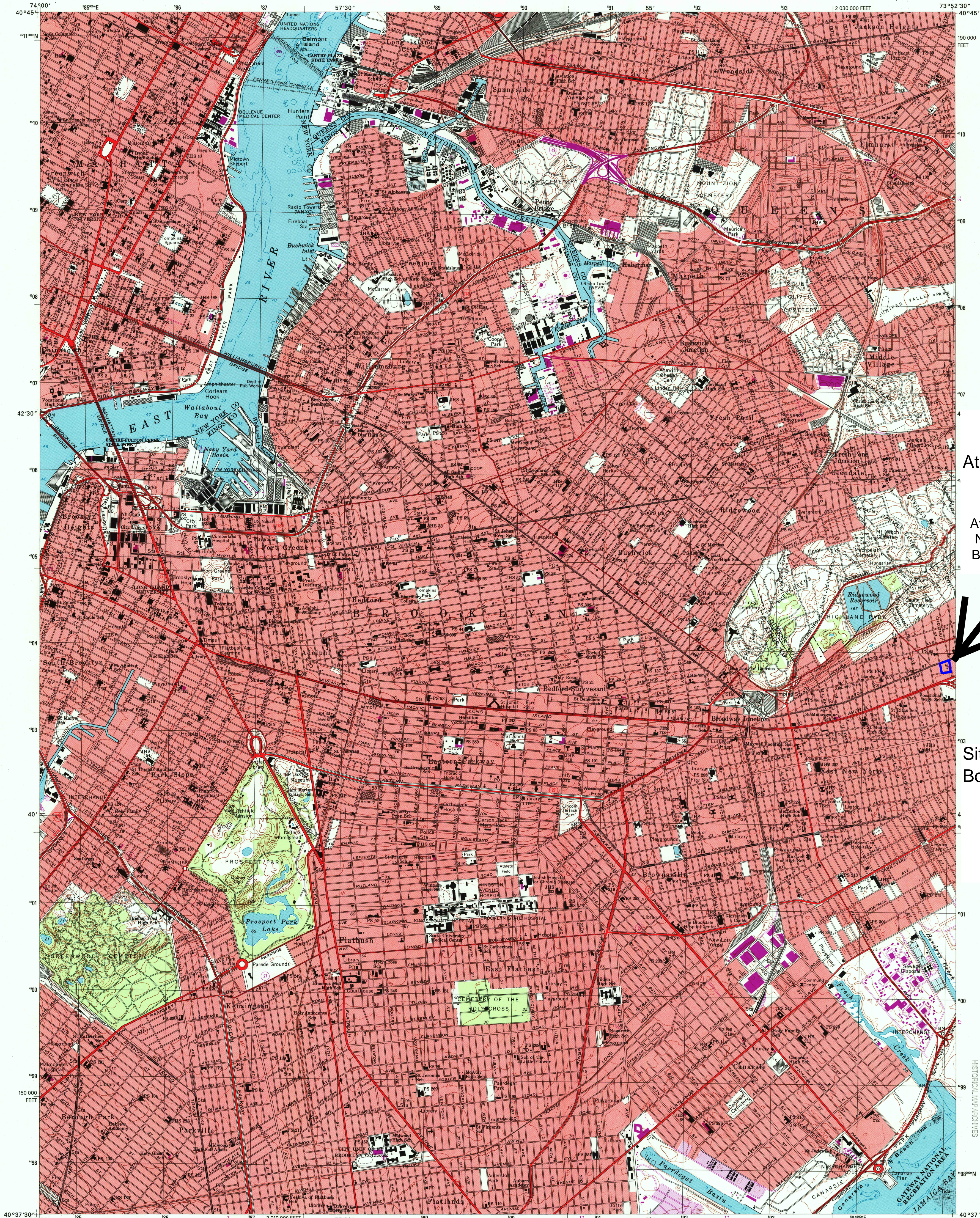


All feature locations are approximate.  
This map is intended as a schematic to  
be used in conjunction with associated  
Application and Support Information,  
and should not be relied upon as a  
survey for planning and other activities.



Map Identification Letter	Adjacent Property Owner(s) Name(s)	Property Address	Borough-Block-Lot
A	New York City Department of Education	3269 Atlantic Avenue	Brooklyn-4142-32
B	Capital One, National Association	85 Dinsmore Place	Brooklyn-4141-1
C	Capital One, N.A. Successor by Merger	239 Richmond Street	Brooklyn-4141-4
D	Capital One, National Association	99 Dinsmore Place	Brooklyn-4141-39
E	Capital One, National Association	111 Dinsmore Place	Brooklyn-4141-35
F	Atlantic Chestnut Affordable Housing LLC	3301 Atlantic Avenue	Brooklyn-4143-2
G	Atlantic Chestnut Affordable Housing LLC	3301 Atlantic Avenue	Brooklyn-4143-3
H	Parks and Recreation	Atlantic Avenue	Brooklyn-4158-5
I	Parks and Recreation	79 Fountain Avenue	Brooklyn-4155-1

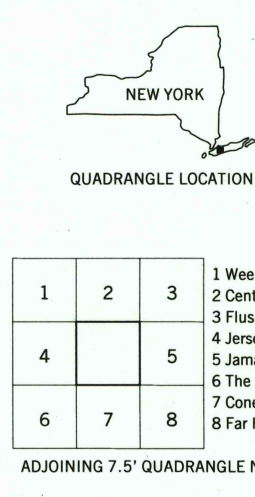
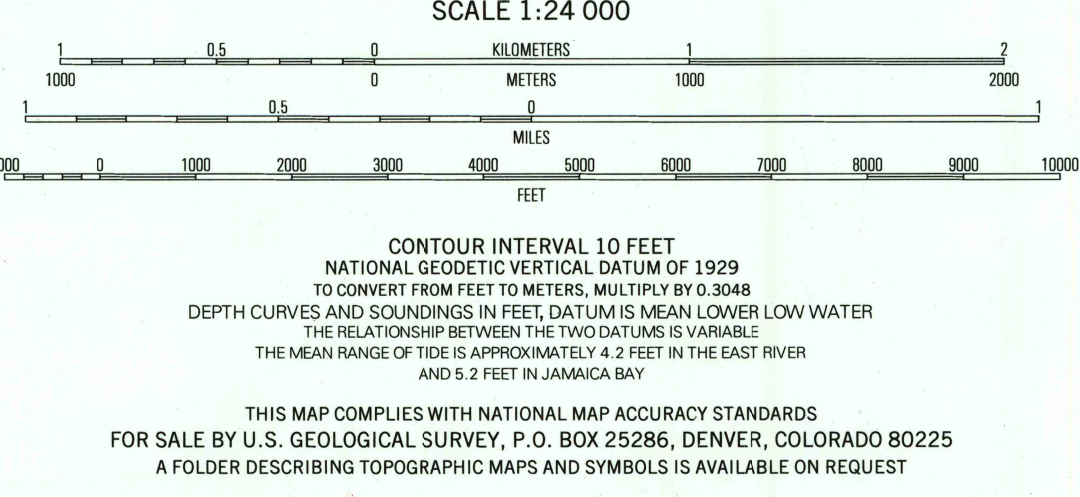
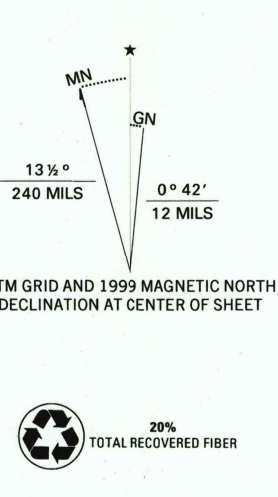




Chestnut Commons  
Atlantic Avenue  
Site  
3269 Atlantic  
Avenue, Brooklyn,  
New York 11208  
Brooklyn-4142-34

Site Property  
Boundary: ———

Produced by the United States Geological Survey  
Topography compiled 1966. Planimetry derived from imagery taken 1977 and other sources. Photomaps using imagery dated 1995; no major culture or drainage changes observed. Survey control current as of 1967. Boundaries, other than corporate, revised 1999  
Selected hydrographic data compiled from NOS charts 275 (1964), 542 (1967), and 745 (1966). This information is not intended for navigational purposes  
North American Datum of 1927 (NAD 27). Projection and 10 000-foot ticks: New York coordinate system, Long Island zone (transverse Mercator)  
1000-meter Universal Transverse Mercator grid, zone 18  
North American Datum of 1983 (NAD 83) is shown by dashed corner ticks. The values of the shift between NAD 27 and NAD 83 for 7.5-minute intersections are obtainable from National Geodetic Survey NADCON software  
There may be private inholdings within the boundaries of the National or State reservations shown on this map  
Entire area lies within New York City  
Information shown in purple may not meet USGS content standards and may conflict with previously mapped contours



ROAD CLASSIFICATION  
Primary highway  
hard surface .....  
Secondary highway  
hard surface .....  
Light-duty road, hard or  
improved surface .....  
Unimproved road .....  
Interstate Route  
U.S. Route  
State Route

1	2	3
4	5	6
7	8	9

BROOKLYN, NY  
1995  
NIMA 6265 III NW-SERIES V821

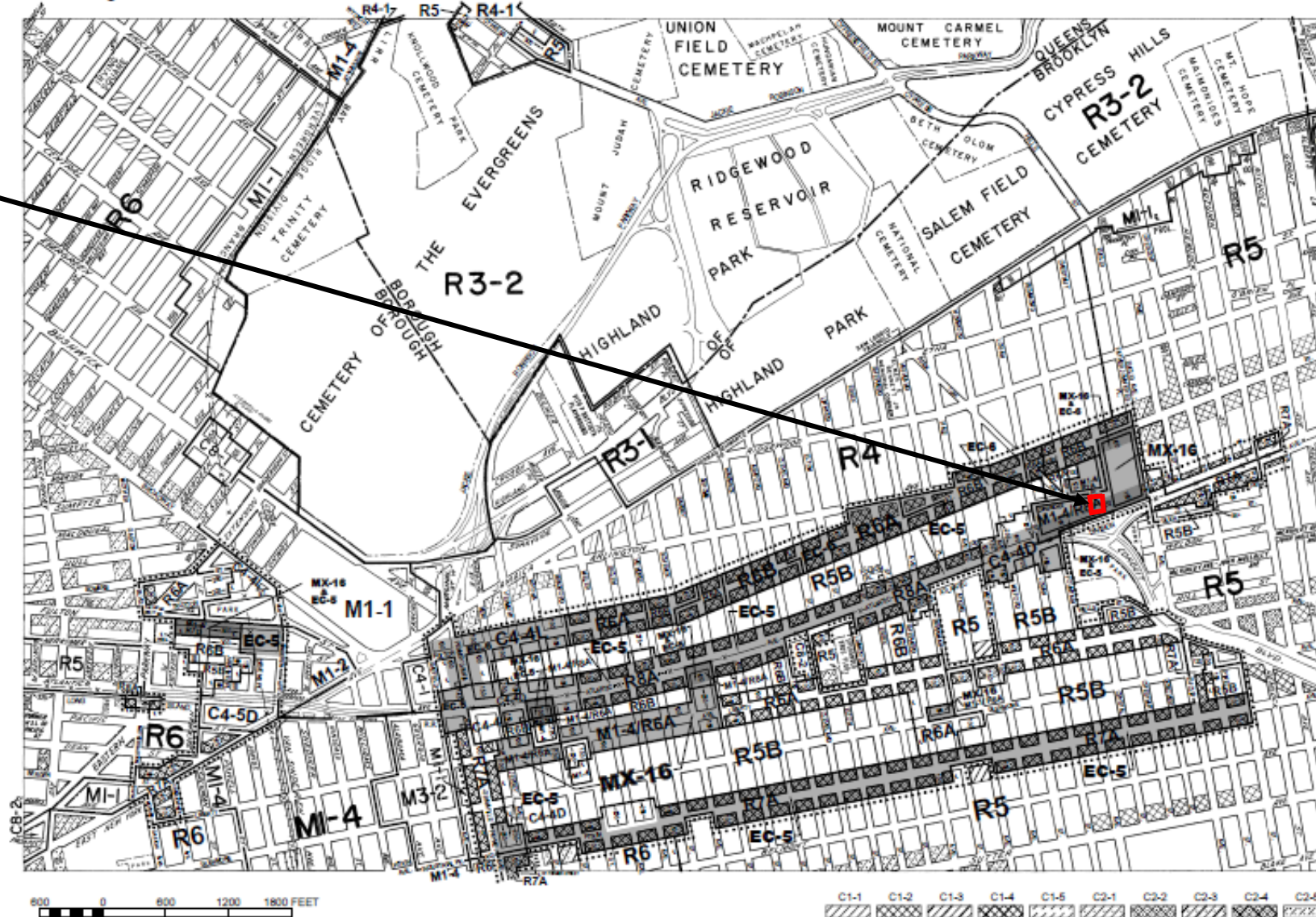
RECEIVED  
NOV 3 0 1999  
USGS MID  
HISTORICAL MAP ARCHIVES  
9-62028-2-09-0 NBS1



# **EXHIBIT I**

**June 2018**  
**Source: [nyc.gov](https://nyc.gov)**

Click blue outline on map to view diagram of proposed zoning change



## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

### Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

**R** – RESIDENTIAL DISTRICT  
**C** – COMMERCIAL DISTRICT  
**M** – MANUFACTURING DISTRICT

**SPECIAL PURPOSE DISTRICT**  
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

\*05-24-2017 C 170142 ZMK  
04-20-2016 C 160035 ZMK

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

**MAP KEY**

13b	13d	14b
17a	<b>17c</b>	18a
17b	17d	18b

© Copyrighted by the City of New York

**NOTE:** Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: [www.nyc.gov/planning](http://www.nyc.gov/planning) or contact the Zoning Information Desk at (212) 720-3291.

# **EXHIBIT J**




# FLOOD MAP

## Chestnut Commons Atlantic

### Avenue Site

3269 Atlantic Avenue  
Brooklyn, New York 11208  
Brooklyn-4142-34

### Legend:

 Site Property Boundary

All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.



March 13, 2018  
Source: FEMA Maps  
Scale: 1" = 100" approximately

# **EXHIBIT K**

# Site Contact List

## Chestnut Commons Atlantic Avenue Site

3269 Atlantic Avenue, Brooklyn, NY

Brooklyn-4142-34

Name	Title	Address	City	State	Zip
Charles E. Schumer	U.S. Senator	780 Third Avenue Suite 2301	New York	NY	10017
Kristen Gillibrand	U.S. Senator	780 Third Avenue 2601	New York	NY	10017
Marissa Lago	City Planning Commissioner Chair	16 Court Street Fl. 7	New York	NY	11241
Hakeem Jefferies	U.S. House of Representatives	780 Third Avenue, Suite 2301	New York	NY	10017
Velmanette Montgomery	New York State Senator 25th District	30 Third Avenue, Suite 207	Brooklyn	NY	10017
Eric Adams	Kings County Executive (Borough President)	Borough Hall 209 Joralemon Street	Brooklyn	NY	11201
Bill De Blasio	Mayor of Brooklyn, New York (Entire New York City Populous)	City Hall	New York	NY	10007
Melinda Perkins	District Manager of Brooklyn Community Board No. 5, Site Repository	404 Pine Street, 3rd Floor	Brooklyn	NY	11208
Sharon Palmer*	Regional Librarian, Arlington Branch of Brooklyn Public Library, Site Repository	203 Arlington Ave	Brooklyn	NY	11207
Vince DiMiceli	Courier Life's Brooklyn Daily Newspaper	One Metrotech Center, Suite 1001	Brooklyn	NY	11201
David Kirschner	Brooklyn News 12 Media Outlet	1 Media Crossways	Woodbury	NY	11791
Emily Loyd	New York City Public Water Supply System Department Commissioner	59-17 Junction Blvd.	Flushing	NY	11373
Alfonso Carney	Chair of the New York City Water Board	59-17 Junction Blvd.	Flushing	NY	11373
Marlon Bynum	Principal of Transit Tech Career and Technical Education High School K615	1 Wells Street	Brooklyn	NY	11208
New York City Department of Education	Adjacent Property Owner of 3269 Atlantic Avenue	30-30 Thomson Avenue	Long Island	NY	11101
Capital One, National Association	Adjacent Property Owner of 85 Dinsmore Place	275 Broad Hallow Road	Brooklyn	NY	11208
Capital One, N.A. Successor by Merger	Adjacent Property Owner of 239 Richmond Street	275 Broad Hallow Road	Brooklyn	NY	11208
Ez Roll Manufacturing Co.	Adjacebnt Property Operator of 239 Rchmond Street	275 Broad Hallow Road	Brooklyn	NY	11208
Capital One, National Association	Adjacent Property Owner of 99 Dinsmore Place	275 Broad Hallow Road	Brooklyn	NY	11208
Captial One, National Association	Adjacent Property Owner of 111 Dinsmore Place	275 Broad Hallow Road	Brooklyn	NY	11208
Atlantic Chestnut Affordable Housing LLC	Adjacent Property Owner of 3301 Atlantic Avenue	902 Broadway, 13th Floor	New York	NY	10010
Parks and Recreation	Adjacent Property Owner of Atlantic Avenue	16 W 61st Street	New York	NY	10023
Parks and Recreation	Adjacent Property Owner of 79 Fountain Avenue	16 W 61st Street	New York	NY	10023
<b>*Note: The Brooklyn Public Library's procedure is to have the Executive Vice President sign the Repository Letter, therefore the signature on the Repository Letter is different than the appropriate contact at the Branch.</b>					
<b>**Review of sources show that adjacent parcels 85 Dinsmore, 99 Dinsmore, 111 Dinsmore, 3301 Atlantic Avenue , and 79 Fountain Ave are vacant.</b>					



# **EXHIBIT L**



**Knauf Shaw** LLP

**ATTORNEYS AT LAW**

BROOKLYN COMMUNITY BOARD 5

MAY 22 2018

April 23, 2018

VIA FIRST CLASS MAIL

Melinda Perkins  
District Manager  
Brooklyn Community Board No. 5  
404 Pine Street, 3<sup>rd</sup> Floor  
Brooklyn, New York 11208

**RE: Brownfield Cleanup Program Application Repository Request**  
**Applicant:** Chestnut Commons Apartments LLC  
**Site Name:** Lettire Chestnut Commons  
**Address:** 3269 Atlantic Avenue, Brooklyn, New York 11208

Dear Ms. Perkins:

We represent Chestnut Commons Apartments LLC in its Brownfield Cleanup Program application for the above-referenced site in Brooklyn, New York at 3269 Atlantic Avenue. It is a requirement of the New York State Department of Environmental Conservation that we supply it with a letter certifying that the local community board is willing and able to serve as one of two public repositories for all documents pertaining to the cleanup of this Site. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the original in the enclosed overnight pre-paid FedEx package as soon as possible if you are able to certify that the Brooklyn Community Board No. 5 would be willing and able to act as a temporary public repository for this Brownfield Cleanup Program project.

Thank you.

Sincerely,

**KNAUF SHAW LLP**

LINDA R. SHAW

Yes, the Brooklyn Community Board No. 5 is willing and able to act as a public repository for documents related to the cleanup of Lettire Chestnut Commons in Brooklyn, New York at 3269 Atlantic Avenue, Kings County under the NYS Brownfield Cleanup Program.

  
Melinda Perkins, District Manager

5/24/2018  
Date



May 24, 2018

VIA EMAIL

Sharon Palmer, Regional Librarian  
Arlington Branch of Brooklyn Public Library  
203 Arlington Ave  
Brooklyn, New York 11207

**RE: Brownfield Cleanup Program Application Repository Request**  
**Applicant:** Chestnut Commons Apartments LLC  
**Site Name:** Chestnut Commons Atlantic Avenue Site  
**Site Address:** 3269 Atlantic Avenue, Brooklyn, New York 11208

Dear Ms. Palmer:

We represent Chestnut Commons Apartments LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 3269 Atlantic Avenue, Brooklyn, New York 11208, Kings County. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the original in the enclosed stamped self-addressed envelope if you are able to certify that your library would be willing and able to act as the temporary public repository for this Brownfield Cleanup Program project.

Thank you.

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW

Yes, the Brooklyn Public Library located at 203 Arlington Avenue, Brooklyn, New York 11208 is willing and able to act as a public repository for documents related to the cleanup of 3269 Atlantic Avenue, Brooklyn, New York 11208, Kings County under the NYS Brownfield Cleanup Program.

Sharon Palmer, Regional Librarian

Date